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3
4 BILL NO. S-76-04- 46

5 SPECIAL ORDINANCE NO. S- 108-76

6 AN ORDINANCE amending Special
7 Ordinance S-57-76.

8 WHEREAS, heretofore on February 24, 1976, the Common
9 Council of the City of Fort Wayne, Indiana, adopted Special
10 Ordinance S-57-76; and

11 WHEREAS, on February 25, 1976, the Mayor of the
12 City of Fort Wayne, Indiana, did approve and sign said
13 Ordinance; and

14 WHEREAS, said Ordinance approved City Utilities
15 Purchase Order No. 7596 for the purchase of two tandem dump
16 trucks from Hefner Chevrolet for the sum of \$32,524.94; and

17 WHEREAS, in March of 1976 Hefner Chevrolet notified
18 the Purchasing Department that the quoted figures on the
19 transmissions were not compatible with the engines and that
20 Chevrolet does not build a truck with the combination quoted;
21 and

22 WHEREAS, the correct transmission will increase the
23 cost by \$248.04 per vehicle for a total price increase of
24 \$496.08.

25 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
26 OF THE CITY OF FORT WAYNE, INDIANA:

27 SECTION 1. That Special Ordinance No. S-57-76 shall
28 be amended by adding thereto a new section entitled Section 1 (a)
29 to read as follows, to-wit:

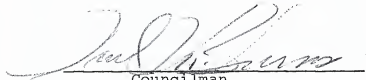
30 "SECTION 1 (a). That the total price of
31 \$32,524.94 for the purchase of two dump trucks
32 as more particularly set forth on City Utilities
33

34 APPROVED AS TO FORM
35 AND LEGALITY,


CITY ATTORNEY

Purchase Order No. 7596 shall be increased in the
sum of \$496.08 bringing the total purchase price
of \$33,021.02."

SECTION 2. This Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.



Councilman

Read the first time in full and on motion by Burns, seconded by Hings, and duly adopted: read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the day of , 1976, at o'clock P.M., E.S.T.

Date: 4-27-76

CITY CLERK

Read the third time in full and on motion by Burns, seconded by V. Schmidt, and duly adopted, placed on its passage. Passed (~~1971~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-VOTE
TOTAL VOTES	<u>8</u>	<u>0</u>		<u>1</u>	
BURNS	<u>X</u>				
HINGS	<u>X</u>				
HUNTER	<u>X</u>				
MOSES				<u>A</u>	
RUCKOLS	<u>X</u>				
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 5-25-76

Charles W. Westerman JR
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 254 on the 25th day of May, 1976.

Charles W. Westerman JR
CITY CLERK

(SEAL)

James Stier
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1976, at the hour of 11:00 o'clock A. M., E.S.T.

Charles W. Westerman JR
CITY CLERK

Approved and signed by me this 26th day of May, 1976, at the hour of 11:00 o'clock P. M., E.S.T.

Robert E. Armstrong

Bill No. S-76-04-46

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
amending Special Ordinance No. S-57-76

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance 81 PASS.

Paul M. Burns - Chairman

John Nuckols - Vice-Chairman

William T. Hinga

Fredrick R. Hunter

Samuel J. Talarico

DATE 5/5/76 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

7596

This number must appear on each package, packing slip, invoice, bill of lading, express receipt and correspondence.

DATE January 28, 1976

Hefner Chevrolet
500 E. State St.
Fort Wayne, Indiana

1078

SHIP TO —

Water Maint. & Service Dept.
415 E. Wallace St.
Fort Wayne, Indiana

MAIL ALL INVOICES TO —
CITY UTILITIES

GENERAL ACCOUNTING
4th FLOOR CITY-COUNTY BUILDING
NUMBER ONE EAST MAIN STREET
FORT WAYNE, INDIANA 46802

INVOICE IN DUPLICATE, INCLUDING
CERTIFICATION AS REQUIRED BY
INDIANA STATE BOARD OF ACCOUNTS.

S-57-76

NOTE: TERMS OF PAYMENT MUST BE SHOWN ON FACE OF INVOICE. OTHERWISE A 2% CASH DISCOUNT WILL BE TAKEN

SUBJECT TO CONDITIONS ON REVERSE SIDE

CITY UTILITIES PURCHASING AGENT

FD-448 U-93

CITY UTILITIES

PURCHASING DEPARTMENT

308 EAST BERRY ST.

FORT WAYNE, INDIANA 46802

TELEPHONE 743-0178

DATE April 12, 1976PURCHASE ORDER
CORRECTIONP.O. NO. 7596P.O. DATE 1/23/76

CHANGE THE FOLLOWING:

CANCEL ☐ DISCOUNT ☐DELIVERY ☐ PRICE ☒DESCRIPTION ☒ QUANTITY ☐DESTINATION ☐ TERMS ☐

Hefner Chevrolet
500 E. State St.
Fort Wayne, Indiana

AS FOLLOWS:

Add: - For correct transmission - to be compatible
with required engines.

243.04ea 496.68

Revised total (2 trucks) total order to

533,021.02

(Reference - Quote #381 ordinance #3075)

H.P.W.
Please refer to my April 5, 1976 memorandum (attached) for explanation
of this request for approval of price increase. The original Purchase
Order No. 7596 was approved by Council - Reference Special Ordinance
No. S-57-76

FORM NO. U-81

BY _____

CITY UTILITIES PURCHASING AGENT

DATE	2 WKS	3 WKS	4 WKS	(INCREASING)	10 WKS	15 WKS	Net
Allen County Motors Del = 60 Days A.R.O. FOB - Delivered	15,350.00 (28,200.00)	N/B	N/B	(-160.00) (-1100.00)	1776 LT800	0.0002 1/28 on + 480.00	Net
I. H. Co. Del = 6/1/76 FOB - Delivered	16,446.20 (32,892.40)	N/B	N/B	(-500.00) F210A			Net + 1% Int. Per Mo.
Hefner Chev. Del = 10-14 weeks FOB - Delivered	12,842.47 13,292.42 (26,134.92)	Body 11/10/76 3100.00 5000.00	Paint 11/10/76 185.00	(-1200.00) (-750.00) (6,220.00) (170.00)		Heil Dump Body d Huist -	Net
Delphi Body	N/B	N/B	N/B	= 6390.00 TOTAL (246.00)			
Truck Transport Del = 21 Days A.R. Chassis FOB -	N/B	1496.00	1961.69		1040 - 5/12 Med. Duty Heil - HPT-53-100		Net
Hoosier Truck FOB - Fullway	N/B	2992.00 3312.50 (6624.00)	3923.38 - (3923.38)	-6915.38 TOTAL	Heil - HPT - MD Heil - HPT-53-110		Net
REMARKS							
PG-1 of 2							



THE CITY OF FORT WAYNE

Blind Copies
Quotation File
J. F. Horreale
W.G. Schnitzer
V. E. Sheldon

March 8, 1976

Hefner Chevrolet, Inc.
500 East State Blvd.
Fort Wayne, Indiana 46805
Attention: Mr. John B. Kemerly

Dear Mr. Kemerly:

In reference to your March 4, 1976 appeal for opportunity to alter your January 22nd quotation offered in response to our Request #881 (1-14-76) we cannot do so. Obviously, had not your company's quotation included the \$3043.90 error you described, Hafner Chevrolet would not have been awarded the order, there being a substantially lower competing offering.

If you decline to accept our Purchase Order No. 7596, dated January 28, 1976, at your quoted price, you leave us with no alternative but to submit to the Common Council, City of Fort Wayne a new (or amending) ordinance for approval of a higher price, a time-consuming and inconvenient procedure we can ill-afford. The original ordinance provided for an expenditure limited to \$32,524.94.

Also, if you fail to accept the Purchase Order at your quoted price you place the City of Fort Wayne in the position of very likely having to pay several hundred dollars more for the vehicles due to the prospect of price increases. Accordingly, Hafer Chevrolet may become subject to a claim for damages by the City of Fort Wayne.

It will be appreciated if you will inform us immediately, by letter, whether you will accept our Purchase Order No. 7596 at the price your company quoted on January 22, 1976. If we do not receive such letter of acceptance by March 12, 1976, we will regard the order as rejected by your company and proceed with other arrangements.

We are hopeful that in the future this sort of problem will not arise.

Sincerely yours,

A. C. Lord
Director of Purchases

ACL/gb

Note: (See last page) - Fed. coll 4/24/76 is
2nd of 4 pages, others will be
internally handled. Their offering
(tel 33, 52, 49) - all coll. of 4 will
be on 29/3.5 down the road EC
C. (draft) that a note
stating they will accept the
order as per 4/7.
The R. address is present
ORTUNITY EMPLOYER
2nd of 4 pages
(tel 33, 52, 49)

AN EQUAL OPPORTUNITY EMPLOYER



THE CITY OF FORT WAYNE

March 26, 1976

Mr. Neal Nagel
Hefner Chevrolet, Inc.
500 East State Blvd.
Fort Wayne, Indiana 46805

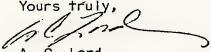
Dear Mr. Nagel:

Further concerning Quotation #881 for two tandem dump trucks and referring to our telephone conversations of 3-19-76 and 3-24-76, we understand that the transmission your Mr. Nelson priced is not compatible with the engine quoted, and that Chevrolet cannot build such a combination. We understand the proper transmission will increase cost by \$248.04 per vehicle. We understand your request that we accept price increase. Such agreement, as you realize, we cannot grant. City Council has enacted an ordinance providing for expenditure of two vehicles totalling \$32,524.94.

Reference is made to my March 8, 1975, letter in which your request to adjust the price upward by \$3043.90, due to an error made by your former employee in preparing the bid, was denied. Had no such error existed Hefner Chevrolet would not have been award the order; the increased price would not have been the lowest and best offering. We recognize that the price increase pertaining to the transmission does not bring your total price up to the offering of next higher bidder. Thus, authorization of such an increase would not give you some unwarranted competitive advantage.

On the strength of your acceptance of our Purchase Order #7596 and your assurance the order has been placed on the factory with the correct combination of engine and transmission City Utilities will request the Common Council, as soon as possible, to approve an increase price equal the additional cost of the current transmission, i.e. 2 x \$248.04 per vehicle. We will try to convince Council of the reasonableness of your request. However, you must recognize that we can give you no assurance of approval at this time.

Yours truly,


A. C. Lord,
Director of Purchases

ACL/gb

cc: J. F. Morreale



Memorandum

To Mrs. Edna I. Smith

Date April 5, 1976

From A. C. Lord, Purchasing Department

Subject Price Increase Request

COPIES TO:

W. G. Schnizer
J. E. Morreale
Bid File

On March 4, 1976, appeal was made to the Purchasing Department by Hefner Chevrolet, Inc., to alter their price offering on our Request No. 881, increasing it in the amount of \$3043.90, or to meet the next higher price offering. Hefner's reason for the request was that an error in pricing, in that amount, had been made by their employee who computed their offering on two dump trucks.

My March 8, 1976, letter denied their request. To accept their request would have given Hefner an improper competitive advantage.

On March 19, 1976, Hefner Chevrolet (Mr. N. Nagel) contacted me saying that the price of the transmissions originally quoted was incorrect and the transmissions offered were not compatible with the required engines for the vehicles. I validated this explanation with City Garage management. The transmissions initially offered cannot be applied in conjunction with the required engines.

The correct transmission will increase cost by \$248.04 for each vehicle, i.e. a total of \$496.08 on the order. Such price increase will not come up the the next higher price offering of \$35,304.00 (second low bid).

Accordingly, it is requested that Council approval be sought to grant Hefner Chevrolet a total price increase for the two (2) Tandum Dump Trucks on City Utilities Purchase Order No. 7595, covered by Special Ordinance No. 3075, in the amount of \$496.08, making the total price to be paid \$33,021.02.

It is considered that Hefner Chevrolet, Inc., having accepted their initial error totalling \$3043.90 and have ordered the vehicles with the correct transmission, the City of Fort Wayne ought to allow the requested increase.



BILL NO. S-76-02-

SPECIAL ORDINANCE NO. S- 57-76

AN ORDINANCE approving a certain contract with HEFNER CHEVROLET for trucks for the Water Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract dated January 28, 1976, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and HEFNER CHEVROLET, for:

2 Tandem Dump Trucks complete to replace Units #97 and 110 \$32,524.94

all as more particularly set forth on City Utilities Purchase Order No. 7596, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilman

Approved by Council : February 24, 1976
Approved & signed by Mayor : February 25, 1976



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Mayor Robert E. Armstrong Date 5-12-76
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council on May 18, 1976 - 7:30 P.M.

COPIES TO:

RE: BILL NO. S-76-04-46

AN ORDINANCE amending Special
Ordinance S-57-76
(Copy of Bill and Digest Sheet Attached)

Pursuant to the request of the Standing Committee Chairman of City Utilities of the Common Council, the presence of a member of the Board of Works or the Purchasing Department is respectfully requested on May 18, 1976, at 7:30 P.M., Room 128, City Council Committee Room.

Specifically, Council would appreciate either a member of Board of Works or a member of the Purchasing Department be prepared to give a more detailed explanation of the synopsis of the ordinance and to bring along 13 copies of any exhibits or materials pertinent to the above mentioned bill. Said statements should be prepared for the perusal of Council so that they may be able to make a decision as to what action should be taken on behalf of Bill No. S-76-04-46.

Your cooperation will be greatly appreciated.

J-76-04-46

TITLE OF ORDINANCE Special Ordinance - Amending City Utilities Purchase Order 7596DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS (For Purchasing Department)

SYNOPSIS OF ORDINANCE On February 24, 1976 an Ordinance was ratified for City Utilities Purchase Order 7596 to Hefner Chevrolet in the amount of \$32,524.44 for the purchase of two Tandem Trucks for the Water Maintenance and Service Department.

In March, 1976 Hefners notified the Purchasing Agent that two errors were made on their quote - (1) a computation undercharge error in the amount of \$3,043.90 and (2) they quoted figures on transmissions that are not compatible with the engines. Chevrolet does not build a truck with the combination quoted. (This was verified by the City Garage) After much discussion with Hefner Chevrolet, the Purchasing Agent deems it advisable to accept the \$496.08 increase for the transmission charge but will not allow the \$3,043.90 computation error.

According to the Purchasing Agent, Hefner is still the low bidder with the revised figure of \$33,021.02. (SEE ATTACHED INFORMATION)

EFFECT OF PASSAGE Provide much needed equipment for Water Maintenance Department

EFFECT OF NON-PASSAGE Probable higher cost if rebid. Assured higher cost if next low bid, Allen County Motors, is accepted.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) Additional cost to City Utilities of \$496.08.

ASSIGNED TO COMMITTEE City Utilities JSL